



STATE OF WASHINGTON

**STATE BUILDING CODE COUNCIL**

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**MINUTES  
STATE BUILDING CODE COUNCIL  
CONFERENCE CALL MEETING**

**Date:** July 12, 2002

**Monitor Location:** Raad Building, Olympia

**Council Members Present:** Jim Lewis, Chair; Stan Price, Vice Chair; Sue Alden; Peter De Vries; Rick Ford; Bill Misocky; Steve Mullet; Steve Nuttall; Terry Poe; Dave Saunders; Dale Shafer

**Council Members Absent:** Dave Baker, Rory Calhoun, Chris Endresen, John Fulginiti

**Visitors Present:** Terri Hotvedt, Dave Cantrell, Brian Minnich, Larry Stevens, Willy O'Neil, Dwight Perkins, Larry Andrews

**Staff Present:** Tim Nogler, Al Rhoades, Patti Thorn, Sue Mathers

**CALL TO ORDER**

The meeting was called to order at 10:20 a.m. by Chairman Jim Lewis. Jim welcomed everyone to the conference call. Introductions were made.

**REVIEW AND APPROVE AGENDA**

The agenda for today's meeting was reviewed. Tim Nogler suggested adding the Proposed TAG Overview of the NFPA 5000 Building Code and Proposed TAG Review of the International Residential Code to Other Business. With the approval of that suggestion, the agenda was approved as amended.

**REVIEW AND APPROVE MINUTES**

The minutes of the June 14 Council, Legislative Committee and Combined Committee meetings were reviewed and approved as written.

## **LETTER TO GOVERNOR**

Sue Alden proposed the following amendments:

- “current” to “minimum” in paragraph 1
- “kept up to date” to “being updated” in paragraph 2
- “design/build” to “design, construction” in the second bullet.

Bill Misocky asked if this letter is intended to be a cover letter for HB 1555. Tim answered yes. He said proposed legislation was distributed at the Spokane meeting, including 2ESHB 1555 as it passed the Senate. That bill has been redrafted by the Code Reviser for the 2003 session. Bill objected to sending the letter because he feels it's premature before the Council reviews the NFPA 5000 Building Code and the International Residential Code (IRC). It was the consensus of other members that the letter should be sent to the Governor now with the amendments proposed by Sue.

## **TECHNICAL ADVISORY GROUP (TAG) REPORTS**

### **Energy Code TAG**

Stan said the first meeting of the Energy Code TAG was held on July 9 relative to a petition filed by Vulcan. At that meeting, which was basically organizational, goals and objectives were discussed and a proposed workplan reviewed. Following discussion, goals and objectives were agreed upon and meetings set for July and August. Vulcan representatives, present at this meeting to clarify technical issues, will provide a presentation of the actual building project that triggered the petition at the next TAG meeting on July 25. Culmination of future work will be a permanent rule proposed at the September TAG meeting. Tim added that the TAG will develop a proposed rule by the end of September and recommend, through the Mechanical, Ventilation and Energy Codes Committee, that the Council file it for public hearing. Assuming the Council approves that recommendation, public testimony will then be received and the Council will decide whether or not to adopt a permanent rule.

### **Elevator Shaft TAG**

Al Rhoades reviewed the Council's decision to enter rulemaking in response to a petition to delete the exception that eliminates elevator lobbies when an elevator shaft is pressurized. He said although most TAG members have been selected and notified, a chairman has yet to be designated. As Chairman of the Building, Fire and Plumbing Codes Committee, Dave Saunders appoints both TAG members and the chair. Al and Dave will work together on the appointment process.

## **Endangered Species Act TAG**

Tim said a TAG meeting was held on July 1 to address issues raised during the public comment period, specifically from the Department of Ecology about erosion control provisions. He introduced revised ordinances proposed by the TAG, outlining guidelines for spill prevention, rainwater harvesting and erosion control. Tim also referred to a July 5 memorandum from Tim Clark that proposes Council motions to approve the guidelines as a voluntary tool. He said it's expected the Associated General Contractors (AGC) will provide feedback about the implementation of these guidelines. Tim said the TAG requests Council approval of the ordinances for use as voluntary guidelines. In response to Rick Ford, Tim said the intent is for the Council to receive regular updates based on actual projects using the guidelines.

Rick said while he's not opposed to voluntary guidelines to obtain feedback, he is concerned because residential construction may contribute more to erosion control problems than commercial construction, yet the ordinances focus solely on commercial construction. Brian Minnich said it's the Building Industry Association of Washington's opinion that the process is premature for residential construction. He said it was agreed approximately a year and one-half ago by the Council not to include residential construction. Brian said Dave Baker was involved in that discussion during the process' infancy. Basically the process is before the Council at AGC's request. That association wants draft model ordinances for commercial construction it represents. However BIAW doesn't want ordinances for residential construction. Both Jim and Sue noted that the present elimination of residential construction doesn't preclude its addition at a future date.

### **Motion #1:**

**Dave Saunders moved the State Building Code Council adopt voluntary spill prevention, rainwater harvesting and erosion control guidelines outlined in revised ordinances proposed by the Endangered Species Act TAG. Sue Alden seconded the motion. The motion was unanimously adopted.**

## **REVISED MEETING SCHEDULE**

Tim noted the 2002 meeting schedule was discussed at the Spokane meeting and tabled until today. He called attention to a draft 2<sup>nd</sup> Revision. By that schedule, the full Council will meet again on October 11 and November 22. The second date, November 22, is revised and scheduled for public hearing to allow a sufficient time period between filing and hearing. Tim pointed out that following the public hearing on November 22, the Council will discuss whether or not to enter permanent rulemaking on the Energy Code and Elevator Code issues.

## **Motion #2:**

**Sue Alden moved the Council adopt the scheduled November 22 meeting and the 2<sup>nd</sup> Revised 2002 Meeting Schedule. Dave Saunders seconded the motion. The motion was unanimously adopted.**

## **STAFF REPORT**

Tim advised that an informal Attorney General Opinion (AGO) was requested on the adult family home issue, exploring the relationship between the adult family home building code amendment, DSHS' statute and the Federal Fair Housing Act. He said Richard McCartan, the new Assistant Attorney General replacing Alice Blado and representing the Council, is preparing that AGO.

## **OTHER BUSINESS**

### **NFPA 5000 & IRC Code Reviews**

Tim said that the National Fire Protection Association (NFPA) indicated at the Spokane meeting their membership's approval of the draft NFPA 5000 Building Code and the expected approval by the NFPA Standards Council of that document for publication. Thus a published first edition of the NFPA 5000 Building Code will shortly be available. Ray Bizal, in a letter dated June 28, offered to provide an overview of that code. Tim said he responded to Ray's letter saying it would be discussed at this meeting. He also prepared several options, to review that code through a TAG, to review it through a Council Committee, or to schedule a Council work session at which NFPA could present the overview. Included with the options for reviewing the NFPA 5000 Building Code is a proposed NFPA 5000 TAG Workplan.

Tim anticipates review of the IRC, requested by several Council members, to follow a similar process. He sees code overviews resulting in informational reports, to be used to respond to questions raised by the Governor and legislators.

Rick asked about the timeframe. Tim said NFPA suggests a series of meetings. Given the November 22 deadline, Tim suggests four potential meetings during September and October. Sue prefers code reviews by TAGs. Other members agreed with that choice. Dale Shafer expressed concerns about travel costs and staff time. Tim has not prepared a cost analysis. One vacant staff position remains, an energy specialist to replace Judy Darst. Tim said that with that unfilled position the fund balance is currently sufficient to cover these code reviews. He doesn't anticipate increased staff time as a result of these reviews.

Jim cautioned the Council that if reviews are made in a TAG forum, TAG reports should be valued and not simply rejected after lengthy debate. He pointed out that TAG members are technical experts who are volunteering their time. There has been sentiment from some TAG members in the past that they wasted a significant amount of their time because the Council

rejected their findings. Jim suggested that minority TAG reports, if appropriate, also be given to the Council.

Rick asked for clarification of the exact role of the TAG. He asked if the TAG is intended to provide a comparison or simply to regurgitate the overview provided by NFPA. Tim said the intent is to provide “an overview, a walk-through, or if you will a reading of” the first edition of the NFPA 5000 Building Code and the IRC. It’s intended to be informational, providing a technical review of the contents of the codes. In response to Rick, Jim and others, Tim said the intent is not to formulate a recommendation.

Dale requested that a mechanical engineer be on both the NFPA 5000 TAG and the IRC TAG. Membership on the latter TAG he wants to include a mechanical engineer involved in plumbing.

Bill asked again if the TAGs are intended to give the Council their opinion of how workable the codes are. Jim agreed that would be helpful to the Council. Stan also expressed concern about a technical review without a recommendation. He pointed out the importance of advising the TAG exactly what is expected of it. Stan said there are threshold criteria, such as minimum life/health/safety requirements, that can be assessed. Equally important is whether a document is enforceable and amenable to periodic and continuous maintenance. He suggested staff develop a series of threshold, or benchmark performance, questions that can serve as the basis for the TAGs’ technical reports, without comparing codes to rate superiority. Bill suggested the questions be framed around Council purposes, objectives and standards listed in RCW 19.27.020. Peter noted three outcomes can result from TAG review: a recommendation, an opinion or findings. He asked which is appropriate in this case. It was the consensus of the Council that the result of NFPA 5000 Building Code and IRC TAG reviews will be findings.

Jim asked Tim to prepare questions based on this discussion and E-mail them to Council members. Then TAG reviews can begin.

Bill said he would like TAG composition to include trades people, installers and plumbers. He wondered if perhaps an electrician or electrical contractor should also be represented on the TAGs. Dave Saunders spoke against including electrical trades people, because electrical provisions are outside the purview of the State Building Code Council, even though they may be indirectly involved. Jim said he wants to ensure representation by cities on the TAGs.

Jim agreed with Bill that Council bylaws should specify TAG duties. Tim said such a procedure currently exists in the bylaws. He offered to circulate that, amended based on today’s discussion, as well as potential TAG membership lists to Council members. Tim noted that Dave Saunders, as Chairman of the Building, Fire and Plumbing Codes Committee, and Stan Price, as Chairman of the Mechanical, Ventilation and Energy Codes Committee, are the two primary Council members with TAG oversight. That’s particularly true for the IRC that encompasses all codes. In addition Jim, as Chairman of the Council, has the ability to appoint TAG members. Al Rhoades posed two questions, if membership of the NFPA 5000 Building Code TAG and the IRC TAG should be composed of current, standing TAG

members, and if one TAG could review both codes. Dave Saunders suggested compiling two TAGs from existing TAG members.

Larry Andrews asked about the status of the duct tape issue. Stan told him that Krista has not received information she requested from the manufacturer. Bob Eugene has also failed to get additional information. Thus Stan assured Larry that the issue is pending, not forgotten. Tim added that another building official has requested further clarification of the issue. Based upon that, as well as the previous request, the issue clearly seems headed for TAG review and a possible rule change. Terry Poe agreed that TAG review is appropriate. Dave Saunders noted that clarification is needed. Jim and Stan said the TAG will review the issue and structure a rule change. Stan offered to also issue an interpretation to provide quicker relief.

Jim said the next meeting is a Combined Committee conference call on August 9 if necessary. Tim noted that Committee members will be notified whether or not that conference call meeting will be held.

Lacking further business, Jim adjourned the meeting at 11:23 a.m.